

Guardianship and Conservatorship Program Regulations

Regulation 400 General

Preamble: These standards of practice incorporate language from the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. References and links to statutory provisions are included in the sections. As a general matter, the authority to act as a guardian and/or conservator in every case is limited to the authority that the court has granted. These standards apply except as modified by court order. If a standard of practice and a court order appear to conflict, the guardian and conservator should bring the matter to the attention of the superior court. The superior court would be the final arbiter. The link to full text of the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act is below.

[RCW 11.130 Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act](#)

400 General

400.1 The following standards apply to all Certified Professional Guardian and Conservators and Certified Professional Guardian and Conservator agencies. These standards apply only to the degree that the court has granted a guardian and conservator the authority contemplated in a given standard.

400.2 Whenever the term “guardian and conservator” is used in these Standards, it is meant to refer to a certified professional guardian and conservator or to a certified professional guardian and conservator agency. If the term “guardian” is used alone, it refers to a certified professional guardian and conservator when acting as a guardian, unless otherwise noted. If the term “conservator” is used alone, it refers to a certified professional guardian and conservator when acting as a conservator, unless otherwise noted.

400.3 Whenever the term “court” is used in these Standards, it is meant to refer to the Superior Court which has authority over the guardianship and/or conservatorship in which the guardian and conservator has been appointed.

400.4 Whenever the terms “individual subject to guardianship” or “individual subject to conservatorship” are used, they are meant to refer to the individual for whom the guardian and conservator has been appointed under RCW 11.130.

400.5 Whenever the term “notice parties” is used, it is meant to refer to those people who are entitled to notice of proceedings or events under RCW 11.130.

400.6 A guardian is a fiduciary and owes the highest duty of good faith and care to the individual subject to a guardianship. [RCW 11.130.325 \(1\)](#) A conservator has fiduciary duties of prudence and loyalty to the individual subject to conservatorship. [RCW 11.130.505 \(1\)](#) A fiduciary has the duty to act primarily for another's benefit. The guardian and conservator shall carry out his or her duties carefully and honestly. The guardian and conservator shall act selflessly, prudently, and with undivided loyalty to the individual subject to guardianship and/or conservatorship.

400.7 To ensure consistency in the way the standards are applied, the following constructions are used: "shall" imposes a duty, "may" creates discretionary authority or grants permission or a power, "must" creates or recognizes a condition precedent, and “should” creates a duty or obligation, but is not absolute, "is entitled to" creates or recognizes a right, and "may not" imposes a prohibition and is synonymous with “shall not.”¹

Effective January 1, 2022

¹ The Certified Professional Guardianship and Conservatorship Board acknowledges that these Standards of Practice draw from the National Guardianship Association (NGA) Standards of Practice and that the NGA has granted the Board permission to use them.